

Testimony • July 11, 2018

LeAnne Kavanagh, Editor and Co-Publisher
Cut Bank Pioneer Press
Browning Glacier Reporter
P.O. Box 847 • Cut Bank, MT 59427
cbpresseditor@bresnan.net

The taxpayers of Glacier County need your help in presenting and passing legislation that sends a clear and concise message to our county leaders, the Department of Administration, the Department of Revenue and the Attorney General's Office.

That message is simple.

Following and upholding the existing laws is their duty and their responsibility. It cannot be discretionary—it must be mandatory.

In June 2008, I wrote an editorial about the challenges of covering Glacier County government. It won first place in the National Newspaper Association's Better Newspaper Contest. Two of our current three county commissioners and clerk and recorder were in office 10 years ago when I wrote:

"The State of Montana may be afraid to step in and tell our elected officials they are whacked and they need to shape up, but I'm not.

And you shouldn't be either. They work for us."

It's a full decade later and I could publish that same editorial.

In March 2015, our newspapers, the Cut Bank Pioneer Press and the Browning Glacier Reporter, filed a lawsuit against Glacier County for violating Montana's Open Meeting and Right-to-Participate laws.

We reached a settlement agreement in which Glacier County agreed to have our three County Commissioners, our Clerk and Recorder and our

Treasurer attend a seminar on open meetings and public participation and public record laws presented by Freedom of Information Hotline Attorney Mike Meloy. The county also agreed to pay our attorney fees.

It hasn't helped.

Covering Glacier County government is time consuming.

It's frustrating.

Public records in my county are anything but public.

When Glacier County Clerk and Recorder Glenda Hall adopted a policy requiring individuals to fill out a "Public Records Request" I was hopeful. In theory, it makes sense.

However, Ms. Hall is the only one in her office who can fill those requests. And so they sit. According to the county's employee listing of June 29, 2018, her office has eight employees so some delegation of duties should be possible. The former clerk and recorder had three employees working under her—except during elections when one additional worker was hired.

The documents I'm requesting don't require a lot of research.

They most often are for:

- Annual Budgets;
- Monthly and year-end cash reports;
- Contracts and Resolutions, which have been approved by the county commissioners, but usually aren't available at the meetings.

There have been times I've requested those documents only to be told, "They haven't been written yet."

•The county's AP 300 report of claims paid and the AP 100 report, which is the check register. I've learned the commissioners don't just pay claims on "claims day" so now I ask for those reports rather than just review claims on "claims day," which is every other Thursday.

•Minutes—I still haven't received the minutes from the Sept. 29-30, 2016, meeting on the FY 2016-17 budget.

I am not alone in my frustration in trying to access public documents.

Glacier County's auditor, Toni Hackwith, of Anderson Bros., CPA, based in Post Falls, Idaho, contracted with the county in April 2017 to perform the FY 2015 and FY 2016 audits expecting an "auditable" format of records in July 2017.

It is now July 2018 and the audit, which was to have been completed by October 31, 2017, is still not complete. And Hackwith is still waiting for documents to do her job. Past auditors met with all department heads during the auditing process, but with this audit, all documents are being supplied by the Clerk and Recorder, Treasurer and former auditor and contracted consultant Bob Denning.

An audit exit conference scheduled for June 28, was postponed, once again, due to Hackwith not receiving "several requested documents" she asked for on June 4 and June 18, and then sent a reminder on June 26 asking for the documents again. All of those requests were directed to Clerk and Recorder Glenda Hall.

On Monday, July 9, Hackwith informed me the audit exit conference rescheduled for July 12 "was a preliminary date. I am still waiting on some requested documents from Glenda (Hall) and have several other questions, items to document."

I have expressed my concerns about access to public records and documents to the Glacier County Attorney, who told me, she, too, has a difficult time obtaining information. Perhaps this is why my requests for in-

formation on contracts and the status of the investigation against former Glacier County Treasurer Galen Galbreath have also gone unanswered.

The contract that concerns me the most, however, is one that the county has failed to solicit. It is time for Glacier County to prepare for its audit of its FY 2017 and FY 2018 operations and there is still no firm contracted to perform those audits.

The last completed audits for my county were FY 2013 and FY 2014. In those audits, auditor Bob Denning warned, "The County does not maintain sufficient cash reserves in the General, Road, and Public Safety funds..."

Fast forward to this year.

The latest available cash report for Glacier County is February 2018. According to that report, our General Fund balance is -\$458,904.61, our Public Safety Fund (law enforcement) had a -\$526,199.02; our Museum had a balance of -\$288,652.80, the county library's fund balance was -\$106,177.24, the ambulance fund balance was -\$1,261,596.60; the Ambulance Capital Improvement Fund balance was still -\$1,639,036.73 and the county's PILT fund was showing a balance of -\$156,777.55.

These are by no means the only county funds with negative balances—they're just the biggest. And again, those were the fund balances four months ago.

The taxpayers in my county—Glacier County—need your help.

Nothing has changed in my county since March when I last submitted testimony.

If you do a database search of the State's email server for my name you'll see I've been pleading and hounding state officials in the AG's office,

OPI, Dept. of Revenue, Dept. of Administration, Dept. of Justice, the Local Government Services Bureau and, of course, two of my state legislators.

"In summary, there are three constitutional rights we're fighting to protect:

First, I believe Justice Nelson argued earlier it is the Legislature's constitutional, mandatory duty to insure, by law, strict accountability of all revenue received and money spent by state, counties, cities, towns and all other governmental entities.

In order to perform that constitutional duty, you must enact laws that require state agencies to enforce the strict accountability statutes, which you have passed.

That must be a mandatory duty and, not a discretionary duty.

As a newspaper editor and journalist, I am trying to exercise my First Amendment right of free press to report and to protect the public's rights to know and to participate in their government.

These three constitutional rights are completely frustrated when local government officials ignore and violate your strict accountability laws with impunity--when there is no agency which will enforce those laws.

Taxpayers want to know how their tax dollars are being spent; they want to be able to see current and accurate public documents including budgets, audit reports, minutes of meetings, and resolutions; they want to be able to attend meetings, properly noticed and intelligently participate in those meetings; they want to see that audit corrections are complied with; they want to be able to assess how their elected officials are performing their jobs.

And when they can't be there, they expect me to do it for them.

And if I can't knowledgeably report on these matters and have access to public documents, then, essentially the taxpayers are blind and deaf to local government mismanagement and misconduct.

Currently, mine and the public's constitutional rights are not worth the paper they are printed on.

Therefore, I urge you to please recommend the proposed strict accountability bill to the full legislature.

You are our last and only resort.

Thank you.